



PATENT

DAE #36  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
ELLEDEGE et al.

Serial No.: 09/122,384

Filing Date: July 24, 1998

For: RAPID SUBCLONING USING SITE-  
SPECIFIC RECOMBINATION

Group Art Unit: 1636

Examiner: Yucel, I.

Atty. Dkt. No.: BAY136/4-0100P  
(formerly BCM-03434)

RECEIVED

OCT 16 2001

OFFICE OF PETITIONS

CERTIFICATE OF MAILING

I, certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

October 10, 2001

Date

Timothy S. Corder

CHANGE IN SMALL ENTITY STATUS

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir or Madam:

The above-referenced patent application was filed on July 24, 1998 and small entity status was established. On February 1, 1999, the assignee licensed the above-referenced patent application, thereby changing the status of the application from small entity to other than a small entity. Through error the Patent and Trademark Office was not notified of this loss of entitlement to small entity status upon payment of the issue fee, as required under 37 U.S.C. § 1.27(g)(2), although the "other than small entity" issue fee was paid. Below are the submission and itemization requirements of 37 U.S.C. §§ 1.28(c)(1) and (c)(2), so that this error may be

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02 FC:140

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excused. A deficiency payment of \$265.00, in accordance with 37 U.S.C. § 1.28 (c)(2), is attached hereto.

The fees paid in error under small entity status are as follows:

1. On July 16, 1999, a Petition for Two-Month Extension of Time for a small entity was paid by the Applicant under 37 U.S.C. § 1.17(a)(2), in the amount of \$190.00. The current fee amount for a Petition for Two-Month Extension of Time for other than a small entity is \$400. Therefore, the deficiency of \$210 is attached.
2. On November 18, 1989, Applicant filed a Terminal Disclaimer under 37 C.F.R. 1.321, accompanied by the fee for a small entity set forth in § 1.20(d) of \$55.00. The current fee amount for a Terminal Disclaimer for other than a small entity under § 1.20(d) is \$110.00. Therefore, the deficiency of \$55.00 is also enclosed.

The total deficiency payment is the sum of the individual deficiency amount for each fee erroneously paid as a small entity. Thus, the total deficiency payment owed by Applicant is \$265.00, which is attached hereto.

No further fees are believed to be due with the filing of this paper, however, should any fees be deemed to be required for any reason, the Assistant Commissioner is authorized to deduct said fees from Vinson & Elkins L.L.P. Deposit Account No. 22-0365/BAY136/4-010CIP/TSCO.

Favorable consideration of this submission and excuse of this error is respectfully requested.

Respectfully submitted,



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Agent for Applicant

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Date: October 10, 2001

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